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Draft report of the International Law Commission on the work of its seventieth session

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Chapter III
Specific issues on which comments would be of particular interest to the Commission

1. The Commission considers as still relevant the request for information contained in chapter III of the report of its sixty-seventh session (2015) on the topic "Peremptory norms of general international law (*jus cogens*)",[1] and would welcome any additional information.

2. The Commission would welcome any information on the issue mentioned in the paragraph above as well as the following issues, by 15 January 2019, in order for it to be taken into account in the respective reports of the Special Rapporteurs.

A. Immunity of State officials from foreign criminal jurisdiction

3. The Commission would welcome any information that States could provide on their national legislation and practice (of a judicial, administrative or any other nature) concerning procedures for dealing with immunity, in particular the invocation and waiver of immunity, as well as on mechanisms for communication, consultation, cooperation and international judicial assistance that they may use in relation to situations in which the immunity of State officials from foreign criminal jurisdiction is being or may be examined by their national authorities. Similarly, it would be useful to have any information that international organizations could provide on international cooperation mechanisms which, within their area of competence, may affect immunity.

B. Protection of the environment in relation to armed conflicts

4. The Commission considers as still relevant the request for information contained in chapter III of the report of its sixty-eighth session (2016) on this topic,[2] and would welcome any additional information in this regard. Furthermore, the Commission would appreciate receiving any information States may be in the position to provide concerning

[1] *Official Records of the General Assembly, Seventieth Session, Supplement No. 10* (A/70/10), para. 31.
[2] *Ibid., Seventy-first Session, Supplement No. 10* (A/71/10), para. 35.

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responsibility, liability or reparation for harm caused to the environment in relation to armed conflict, *inter alia* case law or agreements or arrangements between the parties.

C. Succession of States in respect of State responsibility

5. The Commission would appreciate being provided by States with information on their practice relevant to the succession of States in respect of State responsibility. The Commission would particularly appreciate receiving examples of:

(a) treaties, including relevant multilateral and bilateral agreements;

(b) domestic law relevant to the topic, including legislation implementing multilateral or bilateral agreements;

(c) decisions of domestic, regional and subregional courts and tribunals addressing issues involving the succession of States in respect of State responsibility.